

REGION IV

4416

Respondents .

) Proceeding Under Sections 104,
) 106, and 122 of the
) Comprehensive Environmental
) Response, Compensation and
) Liability Act of 1980, as
) amended, 42 U.S.C. §§ 9604
) 9606, and 9622
)
) EPA DOCKET NO.: 90-37-C

Chevron Chemical Company Site
3100 Orange Blossom Trail
Orlando, Florida
(Orange County)

Respondents agree that EPA has the right to enforce this Consent Order under CERCLA in a court of competent jurisdiction. In any action to enforce this Consent Order, Respondents agree not to challenge the basis for the Consent Order or its applicability to the Respondents. The Findings of Fact and Conclusions of Law herein are effective only for the purposes of this Consent Order and are not binding in any other proceeding. Respondents specifically do not admit any Finding of Fact or Conclusion of Law contained in this Consent Order. Further, performance of any act in compliance with this Consent Order shall not constitute an admission by Respondents of any Finding of Fact or Conclusion of Law contained herein. Respondents agree not to challenge these Findings of Fact, Conclusions of Law or Determinations for purposes of enforcing this Consent Order.

II. PARTIES BOUND

This Consent Order shall apply to and be binding upon the following parties:

- A. Respondents, their agents, officers, directors, employees, successors and assigns, and upon all persons acting under or for Respondents, including but not limited to, firms, corporations, contractors and consultants; and
- B. EPA and its agents, employees and contractors acting under or for EPA.

III. FINDINGS OF FACT

For the purposes of this Consent Order, EPA finds that:

- A. The Chevron Chemical Company Site (Site) is located in the 3100 block of North Orange Blossom Trail (Hwy 441), within Orange County, Orlando, Florida. The Site is bordered to the East by Orange Blossom Trail, to the West by industrial facilities, to the South by railroad tracks, and to the North by a mobile home park. The Northern part of the Site is traversed by a ditch approximately two feet in depth in an East-West direction. Lake Fairview is located approximately 1,000 feet northeast of the property. The total area of the Site is approximately 4 acres.
- B. The Chevron Chemical Company owned and operated the Site as a chemical-blending facility for pesticides and other crop sprays from 1950 to 1976.
- C. In 1976, the Site was purchased by Mr. Robert R. Uttal, owner and operator of Central Florida Mack Truck Company, and was utilized as a truck sales and service facility until

1987. Mr. Robert R. Uttal is the current property owner according to records in the Orange County Property Appraiser's Office (as of January 24, 1990). Central Florida Mack Truck Company went out of business in 1987, with Mr. Uttal retaining ownership of the property.

- D. At the request of Chevron Chemical Company, a consulting firm conducted an investigation to determine the extent of soil and groundwater contamination at the Site. The investigation was conducted in the summers of 1981 and 1982. The final report was issued in January 1983. Laboratory analysis of on-site groundwater and soil samples indicate that concentrations of arsenic and lindane exceeded primary drinking water standards. Chlordane, DDD-o,p, and DDD-p,p were found in concentrations exceeding EPA guidelines found in Quality Criteria for Water, 1976.
- E. In January, 1987, an investment firm considering the purchase of the Site retained a consultant to investigate the Site. Analytical results of on-site groundwater samples indicated contamination by several types of synthetic and organic compounds(i.e., benzene, xylene, trichloroethane, 1-1-dichloroethane, and methylene chloride.) This second investigation did not include analysis for contamination by pesticides. This consultant also reviewed the 1983 investigation report. Upon review of the 1983 results, this second consultant stated that the results of the previous investigation indicated that the State Maximum Contaminant Levels (MCL) and recommended limits identified by the US-EPA for pesticides, such as Lindane, Chlordane, and DDD, as well as Arsenic had been exceeded by up to an order of magnitude in groundwater samples collected in the immediate vicinity of the abandoned washing ponds. Other on-site sampling locations showed evidence of pesticides exceeding State Standards and EPA recommended limits, primarily in the down gradient direction of prevailing groundwater flow.
- F. In May 1989, the NUS Corporation (a contractor for EPA) was tasked to conduct a site screening inspection under the authority of CERCLA. The EPA contractor collected surface and subsurface soil, sediment, and groundwater samples from on-site and off-site locations. The results of the sampling are listed in Table I.
- G. Contaminant levels detected on-site indicate a potential for offsite migration as a result of volatilization, entrainment in airborne dusts, surface water runoff, and groundwater transport.

IV. CONCLUSIONS OF LAW

Based on the Finding of Fact set out above, EPA concludes that:

- A. The Site is a "facility," as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
- B. Respondents are "persons," as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
- C. The materials listed in Table I are "hazardous substances," as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- D. The past, present or potential migration of hazardous substances from the Site constitutes an actual or threatened release, as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

V. DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law set out above, EPA has determined that:

- A. The release or threat of release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or the environment.
- B. In order to protect the public health and welfare and the environment, it is necessary that action be taken to abate the release or threat of release of hazardous substances from the facility into the environment.
- C. The actions required by this Consent Order are consistent with the National Contingency Plan, 40 C.F.R. Part 300, et seq.

VI. ORDER

The parties having reached a resolution of the issues involved in this proceeding, it is hereby AGREED and ORDERED that Respondents shall undertake the following activities, pursuant to Sections 104, 106(a), and 122 of CERCLA, 42 U.S.C. §§ 9604, 9606(a) and 9622:

- A. Within seven (7) days of receipt of this Order, Respondents shall secure the facility and restrict site access to reduce exposure or direct contact of contaminated materials to the

public. Respondents shall maintain such security throughout the duration of this Consent Order and shall make reasonable efforts to secure such additional areas as may become necessary after the effective date of this Consent Order. Within seven (7) days of receipt of this Order, Respondents shall notify all persons on the property of the nature and requirements of this action.

- B. Within forty-five (45) days of receipt of this Order, Respondents shall develop and submit a site cleanup workplan for EPA's review and approval. Approval (or disapproval) will be forwarded in writing to the Respondents within fifteen (15) calendar days of receipt of the workplan. The workplan shall include the following:
1. Cleanup schedule
 2. Sampling and analysis (with QA/QC)
 3. Safety plan (on and offsite)
 4. Cleanup methodology
 5. Transportation and disposal of hazardous materials
 6. Site restoration
- C. Respondents shall initiate no later than seven (7) days after receipt of this Order, and shall complete within thirty (30) days after receipt of this Order, a well survey within a one (1) mile radius of the site boundary and shall identify any public and private wells.

Respondents shall report the following information from the well survey: locations of the well; the owner/address of the well; depth of the well; specific comments by the well owner regarding the water's taste, color, odor or other pertinent information; depth of water in the well; active or non-active status of well; and use of well by the owner. All downgradient wells and thirty (30) percent of upgradient wells identified in the survey shall be sampled and analyzed for all contaminants of concern. Well sampling shall be scheduled and occur in conjunction with other sampling and analysis activities described in the Respondent's work plan. If hazardous substances attributable to the Site are identified in the well water above appropriate health based levels as determined by EPA, Respondents shall supply an acceptable alternate supply of drinking water to all impacted parties.

- D. Prior to any cleanup activities being initiated, Respondents shall determine the extent of contamination in soils (surface and subsurface), sediments, surface water, and groundwater on-site and at adjacent offsite areas using the sampling and analytical procedures given in the site cleanup workplan.

- E. Respondents shall implement the Site cleanup workplan within fifteen (15) working days after receiving written approval of the workplan from EPA. Respondents will provide written notification to the EPA On-Scene Coordinator (or his delegated representative) within five (5) days before any on-site activities are initiated. All tasks identified in the workplan shall be completed within one hundred and twenty (120) days after on-site cleanup activities are initiated. This deadline (120 days) may be extended for good cause shown by Respondents. Extension requests shall be in writing (along with supporting documentation) and submitted to the EPA OSC for review and approval prior to the date such extension is to begin.
- F. Respondents shall arrange for the transportation and disposal of all contaminated soils, materials, and/or hazardous substances removed from the Site at a federally approved hazardous waste disposal facility.
- G. Respondents shall conduct all cleanup activities to levels specified by the EPA. Verification of cleanup levels will be conducted using the same sampling and analytical requirements as given in the Site cleanup workplan.
- H. Respondents shall use sampling and analytical methods that employ QA/QC protocols to ensure that all data generated will be of known quality (i.e., when all components associated with the data's derivation are thoroughly documented with such documentation being verifiable and defensible). All analytical data shall be provided in written form to EPA within two (2) days after analyses are completed by the Respondents' laboratory.
- I. All activities undertaken by Respondents pursuant to this Consent Order shall be performed in accordance with all applicable, relevant and appropriate federal, state and local laws.
- J. All activities performed pursuant to this Consent Order shall be under the direction and supervision of a qualified professional engineer or other qualified professional with expertise and experience in hazardous waste site cleanup. Respondents shall notify EPA in writing of the identity of each such engineer or other professional and of any contractors or subcontractors to be used in carrying out the terms of this Consent Order, in advance of their work at the Site. EPA reserves the right of disapproval of any engineer or other professional selected by Respondents, which disapproval shall not be unreasonably withheld.
- K. Respondents shall use quality assurance, quality control,

and chain of custody procedures in accordance with EPA Region IV Engineering Support Branch Standard Operating Procedures and Quality Assurance Manual (U.S. EPA Region IV, Environmental Services Division, April 1, 1986), throughout all sample collection and analysis activities. Respondents will consult with EPA in planning for all sampling and analysis. Respondents shall provide a quality control report to EPA certifying that all activities have been performed as approved.

- L. Upon request by EPA, Respondents shall provide EPA with split samples of any samples collected in accordance with the requirements of this Consent Order.
- M. Respondents shall appoint a Project Coordinator who shall be responsible for implementation of this Consent Order and the activities required herein. All reports, comments and other correspondence directed to Respondents will be made available to the Project Coordinator. Respondents reserve the right to change the Project Coordinator upon written notice to EPA.
- N. EPA shall appoint an On-Scene Coordinator (OSC) who shall have the authority vested by the National Contingency Plan at 40 C.F.R. Part 300. The OSC will be EPA's designated representative at the Site and will have the right to move freely about the Site at all times when work is being carried out pursuant to this Consent Order. The OSC will advise Respondents as soon as he/she becomes aware that any action taken pursuant to the work plan is not consistent with the National Contingency Plan.
- O. Documents, including reports, approvals, disapprovals, and other correspondence, to be submitted pursuant to this Consent Order, will be sent by certified mail to the following addressees or to such other addressees as Respondents or EPA hereafter may designate in writing:

1. Documents or correspondence to EPA should be sent in triplicate to:

Larry F. Brannen
On-Scene Coordinator
U.S. EPA-Region IV
345 Courtland St. N.E.
Atlanta, GA 30365

2. Documents or correspondence to Respondents should be sent to:

Nancy Starosciak, P.E.
Chevron Chemical Company
6001 Bollinger Canyon Road, Room T-4120
San Ramon, California 94583

Mr. Robert R. Uttal
P.O. Box 621148
Orlando, Florida 32862

- P. Respondents may assert a confidentiality claim, if appropriate, covering part or all of the information provided under this Consent Order, pursuant to 40 C.F.R. § 2.203(b). Such an assertion shall be adequately substantiated when the assertion is made. Analytical data may not be claimed as confidential by Respondents. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted or made available to EPA, it may be made available to the public by EPA without further notice to Respondents.
- Q. Respondents shall provide access to the Site to EPA and its employees, contractors, and consultants for the purposes of overseeing the implementation of this Order.
- R. Respondents shall preserve all records developed pursuant to the implementation of this Order for a period of at least six (6) years following completion of all work conducted by Respondents pursuant to this Order.
- S. Upon agreement of the Parties, this Consent Order shall be amended as necessary to address such additional removal work necessary to adequately decontaminate the Site in order to protect public health and the environment or for such other reasons as the Parties may find mutually desirable.
- T. Any amendments pertaining to the work to be accomplished or any activities required hereunder must be reduced to writing by a duly authorized representative of the Respondents and the OSC within 48 hours after agreement is reached, so that there will be no delay in proceeding to accomplish the work requirements.
- U. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as necessary to abate the endangerment posed by conditions at the Site.

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- V. In the event that the OSC determines that activities implemented by Respondents are not in compliance with this Order or that any other circumstances or activities are creating an imminent and substantial endangerment to the public health or welfare or the environment, the OSC may order Respondents to halt further implementation of this Order for such period of time as is necessary to abate the endangerment. In addition, EPA may carry out all activities pursuant to this Order and such other activities as it deems necessary and consistent with the NCP.
- W. Neither the United States nor any agency thereof shall be liable for any injuries or damages to persons or property resulting from acts or omissions of Respondents, their officers, directors, employees, agents, servants, receivers, trustees, successors, or corporations, subsidiaries, contractors or consultants, in carrying out activities pursuant to this Consent Order.
- X. Respondents acknowledge that EPA will incur costs at the Site after the effective date of this Order for oversight of Respondents' activities at the Site. Respondents shall fully reimburse EPA for all such costs which are not inconsistent with the National Contingency Plan within thirty (30) calendar days after receipt of EPA's written demand for payment. The written demand for payment shall include an accounting of all costs incurred by EPA. EPA's certified Agency Financial Management System Summary data (SPUR Reports) and any other necessary documents shall serve as the basis for payment demands. This documentation shall be available at the request of the Respondents. Payment shall be made by certified or cashier's check to "EPA Hazardous Substances Superfund" and sent to:

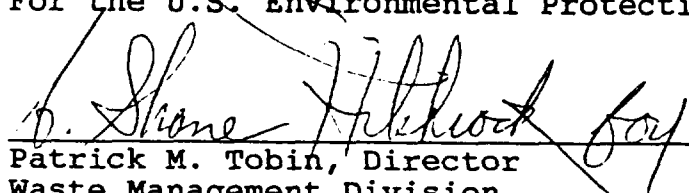
United States Environmental Protection Agency
Region IV
ATTENTION: Superfund Accounting
P. O. Box 100142
Atlanta, Georgia 30384

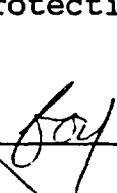
with a copy to:

Charles V. Mikalian
Assistant Regional Counsel
U.S. EPA - Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

- Y. Respondents are advised that pursuant to Section 106(b) of CERCLA, willful violation of, or failure to comply with, this Consent Order, or any portion thereof, may subject Respondents to a civil penalty of not more than \$25,000 for each day in which such violations occur or in which such failure to comply continues. Failure to comply with this Consent Order, or any portion thereof, without sufficient cause, may also subject Respondents to liability pursuant to Section 107(c)(3) of CERCLA for damages in the amount of three (3) times the total of all costs incurred by the government as a result of Respondents' failure to take proper action.
- Z. Nothing herein is intended to release any claims, causes of action or demands in law or equity against any person, firm, partnership, or corporation not a signatory to this Consent Order, nor between Respondents, for any liability they may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Site. This Consent Order does not constitute preauthorization of funds under Section 111(a)(2) of CERCLA. Further, Respondents waive any rights they may have to seek reimbursement from the Superfund under Sections 106(b)(2), 111 and 112 of CERCLA for any costs incurred or to be incurred by Respondents in performing the removal action at the Site and complying with the terms of this Consent Order.
- AA. No informal advice, guidance, suggestions or comments by EPA regarding reports, plans, specifications, schedules or any other writing submitted by the Respondents shall be construed as relieving the Respondents of their obligation to obtain such formal approvals as may be required herein.
- BB. The effective date of this Consent Order shall be the date it is signed by the Director, Waste Management Division. Notice of the execution shall be given to Respondents and shall be deemed to have been received by the Respondents upon receipt by counsel for Respondents.

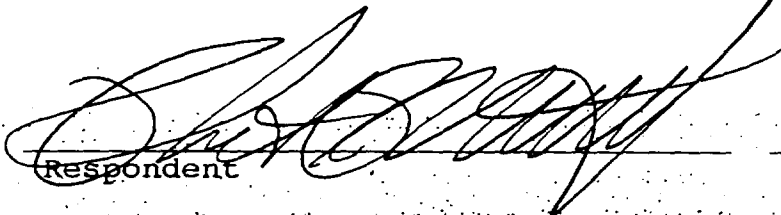
For the U.S. Environmental Protection Agency


Patrick M. Tobin, Director
Waste Management Division
U.S. EPA, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

 5/15/90
Date

CONSENT

Mr. Robert R. Uttal, the Respondent in the Chevron Chemical Company Administrative Consent Order, has had an opportunity to confer with EPA and hereby consents to the issuance and terms of the foregoing Administrative Consent Order for the performance of the Removal Action at the Chevron Chemical Company Site in Orlando, Florida (Orange County).


Respondent

Date

May 9 1990

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CONSENT

Chevron Chemical Company, the Respondent in the Chevron Chemical Company Administrative Consent Order, has had an opportunity to confer with EPA and hereby consents to the issuance and terms of the foregoing Administrative Consent Order for the performance of the Removal Action at the Chevron Chemical Company Site in Orlando, Florida (Orange County).

S. F. Smith
Respondent

5/7/96
Date

Table I
Analytical Results from Samples Collected
by EPA's Contractor NUS Corporation
May 1989

Compound/element

PURGEABLES

Toluene
Chlorobenzene
Ethylbenzene
Total xylenes

EXTRACTABLES

1,4-Dichlorobenzene
1,2-Dichlorobenzene
1,2,4-Trichlorobenzene
Naphthalene
Fluorene
Phenanthrene
Anthracene
Fluoranthene
Pyrene
Benzo
(B and/or K) Fluoranthene
Ethion
Benzo (A) Anthracene
Chrysene

INORGANIC

Arsenic
Cadmium
Chromium
Lead
Mercury
Sodium
Zinc

PURGEABLES

Carbon Disulfide
1,1-dichloroethene
1,2-dichloroethane
1,2-dichloropropane
1,1,2-Trichloroethane
Benzene

Compound/elementEXTRACTABLES

Isophorone
2,4,5-trichlorophenol
Dimethylphenol

PESTICIDES

Heptachlor
Aldrin
Heptachlor Epoxide
Dieldrin
4,4-DDE
Endrin
Endosulfan II
4,4-DDD
4,4-DDT
Gamma - Chlordane
Alpha - Chlordane
Alpha-BHC
Beta-BHC
Delta-BHC
Gamma-BHC